

1 MARK VINCENT KAPLAN (SBN 58836)
2 JAMES M. SIMON (SBN 109913)
3 KAPLAN & SIMON, L.L.P.
4 2049 Century Park East, Suite 2660
5 Los Angeles, California 90067
6 Telephone: (310) 277-9009
7 Facsimile: (310) 552-1970

8 Attorneys for Respondent
9 KEVIN FEDERLINE

FILED
OF LOS ANGELES SUPERIOR COUR.
SEP 11 2007
CLERK OF THE COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 In re Marriage of:) CASE NO. BD 455 662
12 Petitioner: BRITNEY SPEARS)
13 and) SUPPLEMENTAL DECLARATION
14 Respondent: KEVIN FEDERLINE) OF MARK VINCENT KAPLAN IN
15) SUPPORT OF RESPONDENT'S
16) OSC REQUEST FOR PAYMENT OF
17) ATTORNEY FEES AND COSTS
18)
19) Comr. Scott Gordon
20) Dept. 88
21)
22)
23)
24)
25)
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27)
28)

CONDITIONALLY UNDER SEAL

KAPLAN & SIMON, L.L.P.
ATTORNEYS AT LAW
2049 CENTURY PARK EAST, SUITE 2660
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (310) 277-9009
FACSIMILE: (310) 552-1970

1 **DECLARATION OF MARK VINCENT KAPLAN**

2 I, MARK VINCENT KAPLAN, hereby declare as follows:

3 1. I am an attorney duly licensed to practice law before all the courts of the
4 State of California, and am a partner of Kaplan & Simon, L.L.P., attorneys of record for
5 Respondent Kevin Federline herein. The below facts are within my personal knowledge
6 and I could and would competently testify thereto if called upon to do so.

7 2. Attached hereto as **Exhibit A** and incorporated herein by this reference
8 are true and correct (redacted) copies of itemized statements of Respondent's attorney
9 fees and costs incurred in connection with his OSC to modify custody for the period July
10 31, 2007 through September 10, 2007, which litigation expenses are in excess of
11 \$90,000. There will be significant additional attorney fees and costs incurred by
12 Respondent before the hearing on September 17, 2007, including our taking the
13 deposition of Alli Sims on September 11, 2007, our taking the deposition of Daimon
14 Shippen on September 12, 2007, our preparation and attendance at a settlement
15 conference with Judge Lachs on September 12, 2007, our attendance at the hearing on
16 the motion to seal on September 14, 2007, and our preparation and attendance at the
17 hearing on Respondent's OSC on September 17, 2007.

18 3. Depositions are expensive but unavoidable discovery in the course of
19 custody litigation of this size and complexity, given our duties of competence as family
20 law attorneys. We are very careful in planning depositions owing to the high cost
21 thereof and do not undertake depositions unless they are necessary. We have already
22 experienced opposition to outstanding non-party deposition subpoenas, including
23 blanket objections received from counsel representing Betty Wyman and Promises
24 Treatment Center. We expect to incur substantial attorney fees and costs in "meet and
25 confer" efforts as well as discovery motions in order to obtain compliance with these
26 subpoenas. We have requested a date for Petitioner's deposition, which we had hoped
27 to take before the hearing on September 17, 2007, but have yet to receive a date from
28 her counsel. We anticipate that several additional non-party depositions will be

1 necessary as described in my moving declaration. Petitioner's counsel has also
2 indicated that they will be taking Respondent's deposition and various non-party
3 witnesses, but have yet to respond to our written offer of August 17, 2007, a copy of
4 which is attached hereto as **Exhibit B**, to exchange witness lists and to obtain voluntary
5 acceptance of service of deposition subpoenas.

6 I declare under penalty of perjury under the laws of the State of California that
7 the foregoing is true and correct.

8 Executed on September 11, 2007.

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MARK VINCENT KAPLAN

EXHIBIT

A handwritten signature consisting of two intersecting curved lines forming an 'X' shape.

Kaplan & Simon, L.L.P.
Attorneys at Law
2049 Century Park East, Suite 2660
Los Angeles, CA 90067

CONFIDENTIAL

Kevin Federline
c/o Larry Kantor
Kantor Accountancy Corporation
16830 Ventura Blvd, Ste. 326
Encino, CA 91436

Date: 8/01/2007
Invoice #: 04377

Regarding: Federline, Kevin

Services Rendered

7/31/2007 JMS Telephone conferences with Wasser; OSC preparation; telephone conference with McCarthy; draft McCarthy declaration 4.25 \$450.00 \$1,912.50

Kaplan & Simon, L.L.P.
Attorneys at Law
2049 Century Park East, Suite 2660
Los Angeles, CA 90067

CONFIDENTIAL

Kevin Federline
c/o Larry Kantor
Kantor Accountancy Corporation
16830 Ventura Blvd, Ste. 326
Encino, CA 91436

Date: 9/07/2007
Invoice #: 04857

Regarding: Federline, Kevin

Services Rendered

Date	Atty	Description	Hours	Rate	Charges
8/01/2007	JMS	Draft McCarthy declaration; conference with MVK and review US magazine article	3.75	\$500.00	\$1,875.00
8/01/2007	MVK	Preparation of order to show cause	4.00	\$550.00	\$2,200.00
8/02/2007	JMS	Correspondence to Wasser re deeds; correspondence to client re support stipulation; telephone conference with McCarthy re declaration and revise declaration; draft declarations [REDACTED] [REDACTED]	5.25	\$500.00	\$2,625.00
8/03/2007	JMS	Draft Simon declaration re OSC to modify custody	5.50	\$500.00	\$2,750.00
8/03/2007	MVK	Preparation of order to show cause and interview witnesses	4.50	\$550.00	\$2,475.00
8/05/2007	JMS	Draft client declaration	3.75	\$500.00	\$1,875.00
8/05/2007	MVK	Preparation of declaration and interview witnesses	3.00	\$550.00	\$1,650.00
8/06/2007	JMS	Multiple telephone conferences with witnesses and client; revise witness declaration.; research and review media accounts on-line; draft client declaration; e-mail declaration to client for review	9.25	\$500.00	\$4,625.00
8/07/2007	JMS	Draft client declaration and OSC forms; review each party's financials and draft declaration fees; telephone conferences and e-mails [REDACTED] re update to client's cash flow;	9.75	\$500.00	\$4,875.00

correspondence to L. Wasser re acceptable custody stipulation; research and prepare notice of records filed under seal; prepare points and authorities re fees

8/08/2007	JMS	Finalize OSC and organize exhibits and documents for filing; legal research; prepare notice of OSC filed conditionally under seal; memo to MVK re filing instructions; prepare deposition notice of petitioner with production of documents	7.25	\$500.00	\$3,625.00
8/08/2007	NMV	File motion regarding custody	2.25	\$225.00	\$506.25
8/09/2007	JMS	Research location of witnesses; prepare subpoena with document production to Betty Wyman, records only, subpoena to Promises and deposition subpoenas to Alli Sims and Sam Lutfi	3.75	\$500.00	\$1,875.00
8/09/2007	MVK	Reviewed witness statements	0.50	\$550.00	\$275.00
8/10/2007	JMS	Correspondence to L. Wasser re Britney's deposition; prepare subpoenas to Wyman and Sims; e-mail re locate	2.25	\$500.00	\$1,125.00
8/13/2007	JMS	Prepare subpoenas and deposition notices for custodian of records of Promises, Rudolph, Shippen and Funk; review minute orders; memo re witnesses; prepare declaration of witness	3.25	\$500.00	\$1,625.00
8/14/2007	JMS	Court appearance re motion to seal; prepare subpoenas to four witnesses; research re service addresses; telephone conference with client; conference MVK and investigator; prepare notice to appear and produce to Britney; research and draft notice of request for evidentiary hearing	5.75	\$500.00	\$2,875.00
8/14/2007	MVK	Court appearance	1.50	\$550.00	\$825.00
8/15/2007	JMS	Prepare notice of deposition re Shannon Funk; review and reply to e-mails re witness; memo re status of service of subpoena; conference MVK re mediation and non-party witnesses	1.25	\$500.00	\$625.00
8/16/2007	JMS	Research and service instructions re Wyman, Rudolph and Promises	1.25	\$500.00	\$625.00
8/17/2007	JMS	Telephone conference with Bob Wyman re service and deposition of Betty Wyman; conference re service; memo to file re same; correspondence and telephone conference with D. Wasser re conditions to continuance; correspondence to L.	3.75	\$500.00	\$1,875.00

Wasser re acceptance of service re non-party
witnesses; conference MVK re discovery and OSC
preparation; telephone conference and e-mail
██████████ re client's cash flow available for support
and income and expense declaration

8/20/2007	JMS	Review media articles re Spears	0.75	\$500.00	\$375.00
8/21/2007	JMS	Correspondence to D. Wasser re discovery; telephone conferences with Alli Sims re deposition; prepare notice of taking deposition re Hallet	1.25	\$500.00	\$625.00
8/22/2007	JMS	Conf MVK re depositions and Britney ex parte for continuance	0.75	\$500.00	\$375.00
8/23/2007	JMS	Conference MVK re depositions and ex parte; telephone conference with Department of Children and Family Services re investigation; prepare proofs of service re Hallet and Promises; e-mail ██████████ re proofs of service and service status	1.75	\$500.00	\$875.00
8/24/2007	JMS	Telephone conference with DCFS and conference MVK; correspondence to Zirafi re service of ex parte papers; prepare response to ex parte application	4.50	\$500.00	\$2,250.00
8/24/2007	MVK	Preparation regarding ex parte	1.00	\$550.00	\$550.00
8/26/2007	JMS	Review Britney's ex parte application for continuance; prepare response	4.75	\$500.00	\$2,375.00
8/27/2007	JMS	Ex parte hearing; telephone conference with Nan Zirafi re Sims deposition; telephone conference with Bruce Cooperman re papers; conference call Court re redaction of papers; telephone conference re witness service	4.75	\$500.00	\$2,375.00
8/27/2007	MVK	Ex parte motion	4.00	\$550.00	\$2,200.00
8/28/2007	JMS	Telephone conferences with Doug Hunter, William Hailey and Alla K re DCFS investigation; prepare order after hearing; conference MVK re discovery; review Wasser and court redactions to ex parte papers and conference call with court clerk re approval	2.25	\$500.00	\$1,125.00
8/29/2007	JMS	Prepare order after hearing; telephone conference with Nan Zirafi and revise order; telephone conferences and e-mail instructions re Rudolph service; research re sealing motion; telephone	2.75	\$500.00	\$1,375.00

conference with DCFS; memo to file

8/30/2007	JMS	Conference MVK [REDACTED]	0.75	\$500.00	\$375.00
8/30/2007	MVK	Telephone conferences re service of witness; multiple telephone conferences with opposing counsel and conciliation court	1.00	\$550.00	\$550.00
8/31/2007	JMS	Telephone conference and e-mail R. Wyman re B. Wyman deposition; prepare deposition notice; telephone conference with Nan and e-mail Sims re deposition and prepare Sims deposition notice; correspondence to Alli re deposition schedule; review opposition to motion to seal; prepare joinder; conference MVK re DCFS; telephone conferences with Alla at DCFS [REDACTED] [REDACTED]; memo to file	4.25	\$500.00	\$2,125.00
				Total Fees	\$58,356.25

Expenses

Date	Description	Charges
	Administrative fee	\$2,334.25
8/01/2007	Notary fees; Ck #8553	\$80.00
8/07/2007	LASC; filing fee; Ck #8562	\$65.00
8/08/2007	Video Monitoring Services; Inv. #10-190-0173829	\$271.12
8/23/2007	World Wide Digital Solutions; litigation copies; Inv. #3506	\$329.63
8/29/2007	Ginger Welker; 8/27/07 transcript; Ck #8630	\$67.00
8/30/2007	Larry Rudolph; witness fees; Ck #8669 & #8670	\$70.00
8/30/2007	IMS Security; process server fees; Ck #8673	\$5,000.00
8/31/2007	Parking fees	\$20.00
Total Expenses		\$8,237.00

Total New Charges \$66,593.25

Previous Balance \$25,042.70

8/08/2007 Payment 2225 \$-7,950.85

Total Payments and Credits \$-7,950.85

Balance Due \$83,685.10

Kaplan & Simon, L.L.P.
Attorneys at Law
2049 Century Park East, Suite 2660
Los Angeles, CA 90067

CONFIDENTIAL

Kevin Federline
c/o Larry Kantor
Kantor Accountancy Corporation
16830 Ventura Blvd, Ste. 326
Encino, CA 91436

Date: 9/11/2007
Invoice #: 04871

Regarding: Federline, Kevin

Services Rendered

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Charges</u>
9/04/2007	JMS	Dept. 88 status conference; conference with Wasser & Wasser re interim orders	3.75	\$500.00	\$1,875.00
9/04/2007	MVK	Court status conference and conference with Wasser & Wasser.	3.75	\$550.00	\$2,062.50
9/05/2007	JMS	Rudolph research and deposition preparation; review responding declarations of BS, Sims, Funk, Murray and Wasser	4.25	\$500.00	\$2,125.00
9/06/2007	JMS	Deposition of Larry Rudolph; draft evidentiary objections to declarations of Spears, Wasser, Funk, Sims and Murray and order thereon	8.25	\$500.00	\$4,125.00
9/06/2007	MVK	Review of pleadings & discovery regarding Dr. Wyman	0.50	\$550.00	\$275.00
9/06/2007	MVK	Reviewed declarations and deposition attendance of Rudolph, conference JMS; telephone conferences with Alla at DCFS	3.00	\$550.00	\$1,650.00
9/07/2007	JMS	Funk deposition preparation and deposition; draft evidentiary objections	5.75	\$500.00	\$2,875.00
9/07/2007	MVK	Reviewed non-party reply regarding motion to seal	0.25	\$550.00	\$137.50
9/10/2007	JMS	Review rough deposition transcripts of Larry Rudolph and Shannon Funk; draft reply brief and declaration of JMS; draft deposition subject	9.75	\$500.00	\$4,875.00

matters for Alli Sims

9/10/2007	MVK	Reviewed responding papers re OSC; draft reply declaration of MVK	4.25	\$550.00	\$2,337.50
				Total Fees	\$22,337.50

Expenses

Date	Description	Charges
	Administrative fee	\$893.50
9/04/2007	Parking	\$17.00
		Total Expenses
		\$910.50
Total New Charges		\$23,248.00
Previous Balance		\$83,685.10
9/06/2007	Payment 2241	\$-22,091.85
Total Payments and Credits		\$-22,091.85
Balance Due		<u>\$84,841.25</u>

EXHIBIT



A handwritten signature consisting of a stylized letter 'B' written over a horizontal line.

KAPLAN & SIMON, L.L.P.

ATTORNEYS AT LAW

2049 CENTURY PARK EAST, SUITE 2660
LOS ANGELES, CALIFORNIA 90067

Telephone: (310) 277-9009
Facsimile: (310) 552-1970

MARK VINCENT KAPLAN[†]
JAMES M. SIMON
JEANNETTE L. FLYNN[†]
MARY STEARNS
RITA AZIZI
NICOLE VAFEADES

[†]CERTIFIED FAMILY LAW SPECIALIST
The State Bar of California
Board of Legal Specialization

*A PROFESSIONAL CORPORATION

August 17, 2007

VIA FAX ONLY (1 Page)

(310) 553-1793

Laura Wasser, Esq.
Wasser, Cooperman & Carter
2029 Century Park East, Suite 1200
Los Angeles, California 90067

Re: Marriage of Spears/Federline

Dear Laura:

Per your letter of August 15, 2007, this will confirm that we are willing to work with you to obtain acceptance of service of non-party witnesses. Please advise when you are prepared to exchange lists of known non-party witnesses. Please also provide us with a list of Britney's past and present personal assistants, nannies and security personnel so that we may identify for you additional witnesses.

Sincerely,

KAPLAN & SIMON, L.L.P.

By _____

JAMES M. SIMON

JMS/ec
c: Kevin Federline
Wasser-L.witnesses.wpd

hp LaserJet 3030



KAPLAN & SIMON, LLP
(310)
Aug-17-2007 1:42PM

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
44	8/17/2007	1:41:18PM	Send	13105531793	0:36	1	OK

KAPLAN & SIMON, L.L.P.
ATTORNEYS AT LAW

2049 CENTURY PARK EAST, SUITE 2650

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The State Bar of California

Board of Legal Specialization

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August 17, 2007

VIA FAX ONLY (1 Page)
(310) 553-1793

Laura Wasser, Esq.
Wasser, Cooperman & Carter
2029 Century Park East, Suite 1200
Los Angeles, California 90067

Re: Marriage of Spears/Federline

Dear Laura:

Per your letter of August 15, 2007, this will confirm that we are willing to work with you to obtain acceptance of service of non-party witnesses. Please advise when you are prepared to exchange lists of known non-party witnesses. Please also provide us with a list of Britney's past and present personal assistants, nannies and security personnel so that we may identify for you additional witnesses.

Sincerely,

KAPLAN & SIMON, L.L.P.

By

JAMES M. SIMON

JMS/ec
c: Kevin Federline
Wasser-L witnesses wpc

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 2660, Los Angeles, California 90067.

On September 11, 2007, I served the foregoing document described as:
**SUPPLEMENTAL DECLARATION OF MARK VINCENT KAPLAN IN SUPPORT OF
RESPONDENT'S OSC REQUESTS FOR PAYMENT OF ATTORNEY FEES AND
COSTS** on the interested parties in this action by placing
[] the original [X] a true copy thereof enclosed in sealed envelope(s) addressed as
follows:

Laura A. Wasser, Esq.
Wasser, Cooperman & Carter
2029 Century Park East, Suite 1200
Los Angeles, CA 90067

[] BY MAIL

13 [] I caused such envelope(s) to be deposited in the mail at Los Angeles, California.

15 [] I am "readily familiar" with the firm's practice of collection and processing
16 correspondence for mailing. It is deposited with the U.S. postal service on
17 that same day in the ordinary course of business. I am aware that on
motion of party served, service is presumed invalid if postal cancellation
date or postage meter date is more than 1 day after date of deposit for
mailing in affidavit.

18 [X] BY PERSONAL SERVICE: I caused delivery of such envelope by hand to the offices of the addressee.

19 [] BY FACSIMILE TRANSMISSION: I caused the above document to be served
20 via facsimile transmission by service to each party at their facsimile telephone
number listed above.

I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

23 Executed on September 11, 2007 at Los Angeles, California.

E.Che
Elizabeth Che